



**HOME BUILDERS & REMODELERS ASSOCIATION  
OF CONNECTICUT, INC.**

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*Your Home  
Is Our  
Business*

March 1, 2016

To: Senator Gary Winfield, Co-Chairman  
Representative Larry Butler, Co-Chairman  
Members of the Housing Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: **Support for HB 5363, AAC the Affordable Housing Land Use Appeals Procedure**

The HBRA of Connecticut is a professional trade association with about eight hundred (800) member firms statewide employing tens of thousands of CT's citizens. Our members, all small businesses, are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to our diverse industry and to consumers. We build between 70% to 80% of all new homes and apartments in the state each year and engage in countless home remodeling projects.

**While we support HB 5363 as a reasonable compromise with the opponents of the Affordable House Appeals Act, sec. 8-30g, we strongly oppose any additional changes that would further weaken the usefulness of the act in providing needed housing for Connecticut's citizens.** We offer the committee our general policy on the act with the hope that it will be considered in the committee's discussions on this important topic. We also endorse the joint statement on the Benefits and Track Record of the act submitted by various housing advocates, including us.

**The need for more affordable housing in Connecticut remains as severe as it has ever been.** Many of our communities have extremely high housing costs. The disparity between the wealthy and poor in Connecticut is pronounced as high housing costs continue to represent a significant barrier to movement of households to different communities. The high cost of housing is also a drag on the general economy as it is one of several factors that businesses will look at in determining whether to locate or expand in Connecticut. Remember – Homes Are Where Jobs Go At Night, and housing is a driving economic force that produces many jobs. See [www.hbact.org/HomesDoPay](http://www.hbact.org/HomesDoPay).

**The Affordable Housing Appeals Act is just one method, albeit a very important one, of obtaining more affordable housing than what might otherwise be obtained.** The act is a vital part of the overall affordable housing effort since it provides help in obtaining necessary, but often difficult and elusive, land use approvals, which are made even more difficult by pervasive NIMBY attitudes towards new housing and misunderstandings or misperceptions about "affordable housing." The act serves as a critical counter balance to these attitudes and misconceptions. The land use review process for new development of any kind is severely broken in this state and absent a

complete rewrite of our land use statutes that reflects balanced growth and the importance of housing at all price points in every municipality the act is the only statutory tool available to new housing developers to bring some reason to our land use challenges where and when land use boards resist new home communities.<sup>1</sup> And, in this regard, we categorically reject the notion that developers who merely file an 8-30g application pursuant to the law are “threatening” a community with something the community doesn’t want. Filing an 8-30g application is not abuse by a developer.

The diversity of housing opportunities the act helps to create is especially important in encouraging citizens who work in a municipality to be able to live in that municipality. Where this goal is accomplished, people then enjoy better commutes to and from work and traffic congestion and air pollution are decreased, as are work stress and absenteeism.

**The act is not a mandate on municipalities.** The act (even before the weakening amendments passed between 1995 and 2000) does not prevent the denial of a project. The act merely says to communities that if you want to deny an affordable housing application, then show some public health or safety reason to justify the denial. The courts consistently uphold denials of 8-30g projects based on these and other reasons, such as adverse impacts to wetlands and the environment.

All land use policies applicable to planning, zoning, subdivision, wetlands and many other areas are implemented by municipalities pursuant to state adopted enabling acts. The latitude afforded municipalities under these state enabling acts is broad and very difficult to challenge. Therefore, it is incumbent on the state to both limit the extent of this authority and constrain the exercise thereof when necessary to serve important policies, such as fostering housing diversity and affordability throughout our state.

**Thus, we do not understand what is so wrong with a state policy that supports the production of housing that is more affordable than would be otherwise produced under our current land use approval system, a policy constrained by the overriding protection of the public’s health and safety.** We find nothing wrong with that since we believe that municipalities should be held meaningfully accountable, both socially and legally, for their land use decisions. Any weakening of the standards for denial of 8-30g application or providing municipalities more ways to escape the act’s goal, beyond HB 5363, ignores the current realities of the act’s implementation and the dire need for more housing across CT.

**If you want the for-profit building industry to assist in the creation of more affordable housing (and we submit the state needs us to accomplish this goal), then please do no more harm to this important housing statute.**

Thank you for the opportunity to express our views on this important topic.

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<sup>1</sup> We also have been staunch supporters of the Incentive Housing Program (HOME CT). While this act, too, is critically necessary to the development of affordable housing in CT, we caution against creating an additional “incentive” to use it so a municipality can avoid the policy goal of 8-30g. If you pursue such a trade-off, at the very least the incentive housing development must be of significant size and experience the actual construction of housing units, not just the approval of an incentive housing zone.